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Attorneys for Defendant
BioRx, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Nutrishare, Inc., a California corporation,

Plaintiff,

v.

BioRx, LLC, an Ohio Limited Liability
Company,

Defendant.

Case No. 2:08-CV-01252-WBS-EFB

**STIPULATION PERMITTING PLAINTIFF
TO SUBMIT SUPPLEMENTAL
DOCUMENTS RE: DEFENDANT'S
MOTION TO DISMISS OR TRANSFER
VENUE**

Date: August 11, 2008
Time: 2:00 p.m.
Dept: Courtroom 5
Judge: Hon. William B. Schubb

1 Plaintiff Nutrishare, Inc. and Defendant BioRx, LLC, by and through their attorneys of
2 record, hereby stipulate and agree that Plaintiff shall have leave to submit (1) a letter dated
3 November 7, 2007 from Mark Kestler R. Ph., General Manager of BioRx to the California Board
4 of Pharmacy, which Plaintiff received from the California Board of Pharmacy on August 4, 2008;
5 and (2) Plaintiff's Responses to *Defendant's Objections to Evidence Submitted by Plaintiff ISO*
6 *Opposition to Defendant's Motion to Dismiss or Transfer Venue*, filed August 4, 2008.

7 By this stipulation, Defendant only agrees to Plaintiff's filing of the aforementioned
8 documents, and does not stipulate to the arguments contained therein or the matters contained
9 therein, and does not waive any objections thereto that it may have under applicable Federal or
10 Local Rules.

11 IT IS SO STIPULATED.

12
13 DATED: August 8, 2008

DOWNEY BRAND LLP

14 By: /s/ Michael J. Thomas
15 MICHAEL J. THOMAS
16 Attorney for Plaintiff
NUTRISHARE, INC.

17 DATED: August 8, 2008

18 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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20 By: /s/ Amy Wintersheimer Findley
21 AMY WINTERSHEIMER FINDLEY
22 Attorney for Defendant
23 BIORX, LLC
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